UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA Plaintiff - v. - FUNDS IN THE AMOUNT OF $550,000 SEIZED FROM NATIONAL CITY BANK ACCOUNT NO. XXXXX4706 HELD IN THE NAME OF BILL ANEST Defendant	08 Civ. 2462 (BMM) (NRN)

Fed. R. Civ. P. 26(f) and Local Rules Initial Status Report

The United States of America by PATRICK J. FITZGERALD, United States Attorney for the Northern District of Illinois, and claimant, BILL ANEST, by his attorney, ROBERT W. HENOCH, hereby submit this Report pursuant to Fed. R. Civ. P. 26(f) and to this Court's Local Rules.

1. Pursuant to Fed. R. Civ. P. 26(f) a meeting was held on July 2, 2008 and was attended by the following:

Plaintiff: Daniel E. May, Assistant United States Attorney

Claimant: Robert W. Henoch, Attorney for Claimant

Nature of the Case

2. This is an *in rem* forfeiture action brought pursuant to Title 31, United States Code, section 5317(c)(2) for violations of "Structuring" provisions as defined in Title 31, Code of Federal Regulations, Section 103.11(g)(g).

3. The Plaintiff's basis for jurisdiction is as follows:

a. This court has jurisdiction over this action pursuant to Title 28, United States Code, Sections 1345 and 1355.

b. This court has *in rem* jurisdiction over Claimant property pursuant to Title 28, United States Code, Sections 1355(b)(1)(A) as the Complaint alleges that "certain of the acts giving rise to the forfeiture occurred within the Northern District of Illinois."

4. Plaintiff, United States, seeks forfeiture and condemnation of funds in the amount of $550,000 seized from National City Bank account number XXXXX4706.

5. The major legal issue identified to date include:

a. Whether the conduct alleged by the Plaintiff, the United States, satisfies the elements of "Structuring" pursuant to Title 31, Code of Federal Regulations, Section 103.11(g)(g).

b. Whether forfeiture of $550,000 is warranted under the Excessive Fines Clause of the United States Constitution.

6. The major factual issues will continue to be identified and developed throughout discovery.

Preparation of a draft Scheduling Order As Required by Rule 16(b)

7. Pursuant to Fed. R. Civ. P. 26(a)(1)(E)(ii), the parties will not be exchanging Rule 26(a)(1) initial disclosures.

8. No additional parties are contemplated for joinder at this time. The government does not anticipate amendments to the verified complaint. However, any amendments will be completed at the close of all discovery.

9. The parties jointly propose the following discovery plan:

a. Discovery will be needed on the following subjects:

i. Circumstances of seizure

ii. Financial circumstances of claimant

iii. Deposition of claimant and others with knowledge

iv. Circumstances of alleged deposits

v. Additional subjects yet to be determined

b. Document discovery commenced in time will be completed by December 23, 2008.

c. A maximum of 20 interrogatories by each party to any other party.

d. A maximum of 20 requests for admissions by each party to any other party.

e. A maximum of 5 depositions by each party.

f. Depositions commenced in time will be completed by January 30, 2009.

g. Reports of retained experts under Rule 26(a)(2) are due:

Plaintiff: February 13, 2009

Claimant: March 13, 2009

h. Supplementation under Rule 26(e) is due April 14, 2009.

10. At this time, the parties do not request a conference with the court prior to entry of a scheduling order.

11. The parties will request a pretrial conference at some future date upon setting for trial, if necessary.

12. Claimant will be allowed until March 30, 2009, to join additional parties and until March 30, 2009, to amend any pleadings.

13. All dispositive motions must be filed by April 14, 2009.

14. Final lists of witnesses and exhibits under Rule 26(a)(3) should be due as follows:

Plaintiff: April 30, 2009

Claimant: April 30, 2009

15. The parties request 14 days from the dates above to make objections to the final lists of witnesses and exhibits submitted by the other party.

16. The case should be ready for trial by May 18, 2009.

Trial Status

17. A jury has been requested. The trial will last no longer than two weeks. The parties seek the court's permission to decide by April 14, 2009 whether to proceed by trial before a Magistrate Judge.

Settlement Status

18. Settlement discussions have not yet been held.

19. Settlement cannot be evaluated until the close of discovery.

Dated: July 15, 2008

Robert W. Henoch /BL
ROBERT W. HENOCH
Attorney for Claimant
Bill Anest

Daniel E May
Daniel E. May
Assistant United States Attorney